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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,481	10/23/2003	Philip Berardi	44325.001	1998
63601 7590 01/25/2008 MUSICK, PEELER & GARRETT LLP 225 BROADWAY SUITE 1900 SAN DIEGO, CA 92101				
EXAMINER WUJCIAK, ALFRED J				
ART UNIT		PAPER NUMBER		
3632				
MAIL DATE		DELIVERY MODE		
01/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/692,481

**Applicant(s)**

BERARDI, PHILIP

**Examiner**

Alfred Joseph Wujciak III

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-65 is/are pending in the application.
- 4a) Of the above claim(s) 66-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Applicant Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-646)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

This is the final Office Action for the serial number 10/692,481, MOUNT FOR STAGE APPARATUS, filed on 10/23/03.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 39-65, drawn to subcombination, classified in class 248, subclass 323.
- II. Claims 66-79, drawn to combination, classified in class 362, subclass 271.

Applicant's election with traverse of group I in the reply filed on 10/31/07 is acknowledged. The traversal is on the ground(s) that both groups (claims 39-79) are identical. This is not found persuasive because group I is subcombination and claiming the connection between the component and the rail while group II is a combination that includes base plate, knob and T-bolt, therefore the groups are not identical.

The requirement is still deemed proper and is therefore made FINAL.

***Specification***

The disclosure is objected to because of the following informalities: On page 5 of specification, section 0019, "45-degree baby pin and bail pin" are indefinite because the examiner does not know what is a "45-degree baby pin" or "bail pin" since they are not in the dictionary.

Appropriate correction is required.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the baby pin, swivel hook, bent pin, angled pin, hook, junior or senior mount, junior or senior pin, bail pin and 45 degree baby pin must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 42, 50-51, 55, and 64-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 42 and 55, line 3, "baby pin" is indefinite because the examiner does not know what is a "baby pin" since it is not found in the dictionary.

Claims 50 and 64, line 3, "bail pin" is indefinite because the examiner does not know what is a "bail pin" since it is not found in the dictionary.

Claims 51 and 65, line 3, "45 degree baby pin" is indefinite because the examiner does not know what is a "45 degree baby pin" since it is not found in the dictionary.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 39-41, 44, 48-49, 52-54, 56, 59 and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 3,399,856 to Pecaut.

Pecaut teaches a support system comprising a rail (11) havint at least one channel (23) and at least one lip (24) and a component (14) having means to releasably secure (15, 28, 39) to the rail by engaging the lip. The component has means to releasably engage (16-17 and 19) an other apparatus used to obtain an appropriate lighting effect/open faced lamp (20). The means to releasably engage comprises a tube (17 and 19) and a handle (18). The handle is screwed into

the tube. The means to releasably engage comprises a cylindrical pin/male post mount/ junior mount/junior pin (68).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42-43, 45-47, 50-51, 55, 57-58, 60-62 and 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pecaut.

Pecaut teaches the means to releasably engage comprises pin (68) but fails to teach the pin is a baby pin/swivel hook/bent pin/angled pin/hook/bail pin/ 45 degree baby pin/ 45 degree pin mount. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the pin to baby pin/swivel hook/bent pin/angled pin/hook/bail pin/45 degree baby pin/ 45 degree pin mount to provide designer's choice for kind of structure to connect the lighting effect to the means to releasably engage.

### ***Response to Arguments***

Applicant's arguments with respect to claims 39-65 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (571) 272-6827 or send e-mail to the examiner at [Joey.Wujciak@uspto.gov](mailto:Joey.Wujciak@uspto.gov). The fax machine telephone number for the Technology Center is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary examiner  
A. Joseph Wujciak III  
Art Unit 3632  
1/18/08

/Alfred Joseph Wujciak III/  
Primary Examiner, Art Unit 3632